

### Claim Rejections – 35 USC 112

Regarding Examiners rejection of claim 6 under 35 USC 112, claim 6 has been cancelled.

### Claim Rejections – 35 USC 102

Regarding Examiners rejection of claims 1-3 under 35 USC 102(b) as being anticipated by US 3,604,434 to Hurst:

Hurst discloses an automatic carwash apparatus having a carriage moving along a track with a spray head attached to the carriage and equipped with spray nozzles in an L-shaped pattern oriented to spray the sides, ends and upper surfaces of the car. Spray means (29) rotates around a track (24). The spray means (29) is formed for changing the angle at which the spray of liquid is directed against the surface of the car (23) in a reciprocating fashion through the operation of an oscillator mechanism generally indicated as (59) in FIG. 10. The oscillator mechanism rotates in a radial direction the vertical and horizontal arms (39, 37) on which the spray nozzles (41) are mounted.

Hurst fails to disclose one or more liquid spray nozzles mounted on a non-rotating support means with a housing to contain the liquid spray and a means to move air through the housing for the purpose of removing liquid and debris from the surface being cleaned, the mobile mounted oscillating liquid spray nozzle cleaning method being in contact with the surface to be cleaned and the surface to be cleaned being the means to support the mobile mounted oscillating liquid spray nozzle cleaning method.

Regarding Examiners rejections of claims 1, 2, 4 and 8 under 35 USC 102(b) as being anticipated by US 4,903,364 to Long.

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Long discloses a mobile apparatus for cleaning an underlying surface with a spraying means adapted to rotate in a given plane, circumferential shielding means for the rotating spray mean, including completely circumferential brushing means.

Long fails to disclose having one or more liquid spray nozzles mounted on a non-rotating support means for cleaning a surface below the nozzle, the spray nozzle mounting hardware having means to oscillate the spray nozzle and a powered means to oscillate the nozzle, having a housing to contain the liquid spray and a means to move air through the housing for the purpose of removing liquid and debris from the surface being cleaned.

Regarding Examiners rejections of claims 5-7 under 35 USC 103(a) as being unpatentable over US 4,903,364 to Long in view of US 2002/0184729 to Farina.

Farina discloses a high pressure printing press ink cleaner comprising a vacuum header housing having wheels secured thereon for mobility, power spray jets, suction ports to suck up the dirty fluid and return through a hose to a wet vac.

Farina fails to disclose one or more liquid spray nozzles mounted on a non-rotating support means with a nozzle positioned in relation to the surface to be cleaned so as to spray a pressurized liquid on to the surface with an angle of attack of between 1 and 89 degrees in order to allow the liquid to act as a wedge to remove and dislodge debris and dirt from the surface to be cleaned, spray nozzle mounting hardware having means to oscillate the spray nozzle and a powered means to oscillate the nozzle.

Examiner lists US 4,419,922 under prior art made of record and not relied upon. Applicant fails to find relevance in a recoil cushioning device, particularly for quick-

firing weapons of Le Pierres and believes the Examiner misquoted the appropriate patent number.

Examiner lists US 5,265,805 under prior art made of record and not relied upon. Artenian discloses an apparatus for cleaning large, flat hard surfaces wherein the apparatus receives hot pressurized water and sprays the water downwardly onto the surface to be cleaned through a rotating manifold of spray nozzles.

Artenian fails to disclose one or more liquid spray nozzles mounted on a non-rotating support means with a housing to contain the liquid spray and a means to move air through the housing for the purpose of removing liquid and debris from the surface being cleaned, the mobile mounted oscillating liquid spray nozzle cleaning method being in contact with the surface to be cleaned and the surface to be cleaned being the means to support the mobile mounted oscillating liquid spray nozzle cleaning method.

Examiner lists US 4,419,922 but corrected the misprint in a telephone interview to list US 5,419,922 to Bajek under prior art made of record and not relied upon. Bajek discloses a method and apparatus for repairing the refractory lining of a refractory vessel.

Bajek fails to disclose one or more liquid spray nozzles mounted on a non-rotating support means with a housing to contain the liquid spray and a means to move air through the housing for the purpose of removing liquid and debris from the surface being cleaned, the mobile mounted oscillating liquid spray nozzle cleaning method being in contact with the surface to be cleaned and the surface to be cleaned being the means to support the mobile mounted oscillating liquid spray nozzle cleaning method.

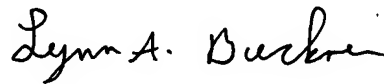
“A claim is anticipated [under 35 USC 102 (b)] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single

prior art reference.” Verdegaal Bros. vs. Union Oil Co. of California, 2 U.S.P.Q.  
2d1051, 1053 (Fed. Cir. 1987), (emphasis added). See M.P.E.P. 2131.

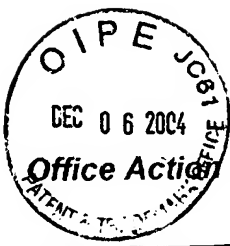
For the foregoing reasons, all the claims now pending in the present application  
are believed to be clearly patentable over the prior art of record.

If the Examiner has any comments or suggestions which would place this  
application in even better form, the Examiner is requested to telephone Lynn A.  
Buckner at (706) 931-2125 or MOBILE ( 423 ) 413-7823 or Fax (706) 931-2159.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Lynn A. Buckner".

Lynn A. Buckner  
Inventor



10/609,201	BUCKNER, LYNN A.	
Examiner	Art Unit	
Seth Barney	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

8/12/04

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

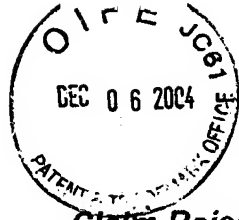
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____                                                            | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 3752



***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The overuse of alternative language makes the claim indefinite.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,604,434 to Hurst.

Regarding claim 1, Hurst discloses a cleaning apparatus (21) having a nozzle (41) attached to a traversing support (37).

Regarding claim 2, Hurst discloses a traversing support (37) having several spray nozzles (41) attached.

Regarding claim 3, Hurst discloses two traversing supports (37, Figures 4-6) with a several nozzles (41).

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Art Unit: 3752

5. Claims 1, 2, 4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,903,364 to Long.

Regarding claims 1, Long discloses a surface cleaning apparatus (10) having a spray nozzle (44) attached to a traversing support (30).

Regarding claim 2, Long discloses a traversing support (30) having two spray nozzle (44). See Figures 1, 2 and 5.

Regarding claim 4, Long discloses that the apparatus has a housing (18).

Regarding claim 8, Long discloses that the apparatus is mobile and powered by hand. See column 3 lines 53 to 54.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,903,364 to Long in view of U.S. Patent Application Publication No. 2002/0184729 A1 to Farina.

Regarding claim 5, 6 and 7, Farina discloses a high-pressure surface cleaner (10) having a housing (20) connected to a vacuum device (18) to suck both water and air into and then out of the housing. See page 4, paragraph 38. It would have been obvious to modify the cleaning apparatus of Hurst with the vacuum device of Farina in order to enhance the cleaning capability.

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. <sup>5</sup>~~4~~419,922 to Bajek discloses a cleaning apparatus having a nozzle attached to a traversing boom.

U.S. Patent No. 5,265,805 to Artenian discloses a surface cleaning apparatus having nozzles attached to several traversing spray tubes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seth Barney whose telephone number is (703) 308-2603. The examiner can normally be reached on 8:30am-5:00pm (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703)308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Art Unit: 3752

Seth Barney  
Examiner  
Art Unit 3752

SB

A handwritten signature in cursive script that reads "Michael Mar".

MICHAEL MAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

# Notice of References Cited



10/009,201

BUCKNER, LYNN A.

Examiner  
Seth Barney

Art Unit  
3752

Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-3,604,434	09-1971	Hurst, Mowatt M.	134/58R
	B	US-4,903,364	02-1990	Long, Jerry T.	15/50.1
	C	US-2002/0184729	12-2002	Farina, Michael	15/321
	D	US-4,419,922	12-1983	Le Pierres, Gildas	89/43.01
	E	US-5,265,805	11-1993	Artenian, Steven M.	239/135
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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